

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Dennis Guldan,

Civ. No. 24-3695 (PAM/DLM)

Plaintiff,

v.

**ORDER**

Louis DeJoy,

Defendant.

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This matter is before the Court on Defendant’s Motion to Dismiss, which was filed on October 21, 2024. Local Rule 7.1(c)(2) provides that the non-moving party must file and serve its response within 21 days after the filing of a motion to dismiss. D. Minn. Local Rules 7.1(c)(2). “If a party fails to timely file and serve a memorandum of law, the court may” cancel the hearing or “take any other action the court considers appropriate.” Id. 7.1(g). Here, Plaintiff has filed neither a responsive memorandum of law in opposition to Defendant’s Motion to Dismiss, which would have been due on November 12, 2024, nor a request asking for more time to file such a response.<sup>1</sup>

Therefore, the Court cancels the hearing scheduled for December 19, 2024, and dismisses Plaintiff’s complaint without prejudice for failure to prosecute. See Henderson v. Renaissance Grand Hotel, 267 F. App’x 496, 497 (8th Cir. 2008) (“A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff’s failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.”).

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<sup>1</sup> The twenty-first day after October 21, 2024, was November 11, Veteran’s Day. However, when the last day of a briefing period falls on a legal holiday, the Federal Rules of Civil Procedure extend the period by one day. Fed. R. Civ. P. 6(a)(1).

Accordingly, **IT IS HEREBY ORDERED** that:

1. The hearing on the Motion to Dismiss (Docket No. 10) is **CANCELED**;
2. Defendant's Motion to Dismiss (Docket No. 8) is **DENIED as moot**; and
3. The Complaint (Docket No. 1-1) is **DISMISSED without prejudice** due to Plaintiff's failure to prosecute.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: November 27, 2024

*s/ Paul A. Magnuson*

Paul A. Magnuson  
United States District Court Judge